THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

WRIT PETITION No: 6468 of 2002

DATED:16.08.2005

Between:

Narra Sambasiva Rao, S/o Koteswara Rao, aged about 42 years, R/o Annambhotlavaripalem, Parchuru Mandal, Prakasam District. ..Petitioner

And

1. The Prakasam District Cooperative Central Bank Limited Ongole, rep., by its General manager, Ongole, Prakasam District. and others. ..Respondents

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ORDER:

The petitioner is an agriculturist. He is aggrieved by the action of the respondent-Bank in bringing the lands mortgaged by him to the respondent-Bank to public auction vide auction notice, dated 02.02.2002, in E.P.No.3586/1999-2000.

According to the petitioner, the lands that were mortgaged in favour of the respondent-Bank are situated in a drought prone area. He could not repay the amount in time to the respondent-Bank due to failure of crops. He relies on the Government Memo No.21470/Rlf.II/2001, dated 03.08.2001, whereunder necessary directions have been issued requiring State/Banking institutions not to resort to forcible collection of amount of loan in the drought affected areas. The submission is

that the respondent-Bank could not have proceeded against the petitioner contrary to the instructions issued by the Government.

This Court granted interim stay subject to the condition of petitioner paying Rs.20,000/-. It is not clear from the order as to within what time the said amount was required to be paid by the petitioner. Neither the learned counsel for the petitioner nor learned Standing Counsel are in a position to inform the Court as to whether the said amount was paid by the petitioner or not.

Having regard to the totality of facts and circumstances, I consider it appropriate to direct the respondent-Bank to consider the representation to be made by the petitioner within three weeks from today and accordingly grant easy instalments in order to enable him to discharge his obligation. The respondent-Bank in fixing the instalments shall duly take the capacity and economic condition of the petitioner. There shall be an order accordingly.

The writ petition is accordingly disposed of. No order as to costs.

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(B. SUDERSHAN REDDY, J)

Date:16.08.2005

Note: Furnish C.C. within three days.

(B/o) GJ

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